

**UNITED STATES DISTRICT COURT  
PROBATION OFFICE  
DISTRICT OF NEW JERSEY**

**WILFREDO TORRES**  
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December 10, 2012

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The Honorable Katharine S. Hayden  
Senior United States District Judge  
Martin Luther King Jr. Federal Building and Courthouse  
P.O. Box 0999  
Newark, New Jersey 07102-0999

**RE: MADDEN, Derrick  
Docket Number 2:03CR0423-3  
Response to Offender's  
Financial Profile**

Dear Judge Hayden:

On May 15, 2009, the above referenced offender was sentenced by Your Honor to twenty-seven (27) months imprisonment followed by three (3) years of supervised release for the offense of conspiracy to transport stolen property. Special conditions of supervised release were full financial disclosure, not to incur new debt, cooperate with the collection of DNA, and pay restitution in the amount of \$1,240,408.62. The offender was released from the New Jersey Department of Corrections (he had been serving a consecutive state prison sentence) on May 5, 2011, at which time supervised release commenced.

Immediately upon his release, the undersigned officer attempted to establish a payment plan with the offender and directed him to submit his monthly cash flow to determine an amount he could afford to pay. The offender did not comply with this request and has not been submitting paystubs monthly as he has been directed. In January 2012, the offender agreed to begin making payments of \$150 per month. When he failed to meet this agreement in January and February, the undersigned sought the assistance of the United States Attorney's Office Financial Litigation Unit. At the same time, the offender was warned his failure to pay restitution could result in a wage garnishment up to 25% of his gross salary. For the Court's records, since the offender was released from custody on May 5, 2011, he voluntarily made three (3) restitution payments totaling \$300.00 over seventeen (17) months, despite being employed during the entire time period. During the same time period, he has secured his own apartment, purchased a 2012 Honda Accord and went on a week long vacation to Atlantic City. It is also noted the offender has not submitted any forms of verification justifying his monthly expenses.

It is evident by the offender's prior history of payment that he will not pay restitution without a wage garnishment in place. It is the probation office's understanding from conversations with the Financial Litigation Unit, that a modification has been submitted to reduce the garnishment from 25% to 15%. It is recommended the Court approve this modification and the offender continue to have his wages garnished.

If Your Honor requests an alternative action, please advise. We will make ourselves available should Your Honor wish to discuss this matter. You may contact the undersigned at the telephone number listed above.

Respectfully submitted,

WILFREDO TORRES, Chief  
U.S. Probation Officer

*Patrick T. Hattersley*

By: Patrick T. Hattersley  
U.S. Probation Officer

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So Ordered.

*K S Hayden, USDJ*  
12.10.12